

IN THE CIRCUIT COURT

FOR WASHINGTON COUNTY, MARYLAND

NANCY J. CLINE, Personal |

x

Representative of THE ESTATE OF GLEN

H. CLINE, JR., Deceased, and for the

Use of Terry Tunney,

Dorothy Miller, Brian cline and

ORIGINAL

Rick Cline, children of said Deceased

And JOSH H. CLINE, |

Plaintiffs |

v. |

Case No.

JOHN JAMES CHRISTY |

21-C-02-013503

And |

AGAPE HARVESTER CHURCH, INC., |

Defendants |

Deposition of BENJAMIN M. TOWNES, JUNIOR

Hagerstown, Maryland Friday, January

31, 2003

L•A.D. REPORTING COMPANY, INC.

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1 A We believe that Mr. Cline owned it.

2 Q With regard -- as you sit here and recall
3 without referencing your report yet, the condition of
4 the road, weather, what's your recollection as to that?

5 A I think it was clear.

6 Q It was about 10:00 o'clock at night?

7 A It was just about ten.

8 Q How about lighting?

9 A There is lighting. I do recall having this
10 conversation with you when you came down before. It's
11 poor.

12 Q You feel it's poor?

13 A Oh, yes.

14 Q You're unable to discern colors?

15 A I can't. I can't speak for anybody else
16 but I'm blind so -

17 Q You're what?

18 A I call myself blind. I have terrible
19 eyesight. I mean, it's correctable but it's -- the
20 lighting there is poor.

21 Q As far as you're concerned at least?

1 Q Even in the proximate? A

2 Yes.

3 Q Any reason why there would be no inches,
4 anything more detailed than approximate footage
5 measurements in your report?

6 A I think it's because there was almost no
7 inches. I don't know. I guess I'm confused by your
8 question.

9 Q I'm just wondering why, when I was reading
10 through your report, a number of times I didn't notice
11 any firm specific measurements. There was like the
12 bridge, there was approximately 280 feet in length, you
13 know, if you took a measurement say 9 foot 8 inches,
14 would you -

15 A It would seem to me that I would have.

16 MR. FREEL: All right.

17 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT BY

18 MR. BALLANTINE:

19 Q Corporal, the configuration of where this
20 accident happened has not changed from the date of the
21 accident until today, has it?

22 A No, sir.

C

1 Q And on either side of the bridge over 81 you
2 indicated where the Cline vehicle was stopped the
3 shoulder was approximately four feet wide?

4 A Yes.

5 Q Did you measure that?

6 A I don't recall.

7 Q But on either side of 1-81 there are much
8 wider shoulders where he could have stopped?

9 A Yes. After you get across the bridge you go
10 back to a bigger shoulder and a grassy area along with
11 it usually.

12 Q Where the Cline vehicle was there is no way
13 that flat fire could have been removed or repaired
14 without somebody standing in the travel portion of the
15 roadway, is there?

16 MR. FREEL: Objection as to foundation.

17 THE WITNESS: You got to be in the lane. A tow
18 truck driver would have refused to do it. He would have
19 pulled it off the road to change it because you have to
20 be in the roadway.

21 MR. BALLANTINE: That's all I have.

22 Corporal, you have the right to read and

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